

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

|                         |   |                            |
|-------------------------|---|----------------------------|
| MARTIN MARIETTA         | ) |                            |
| MATERIALS, INC.,        | ) |                            |
|                         | ) |                            |
| Plaintiff               | ) |                            |
|                         | ) |                            |
| vs.                     | ) | Case No. 7:12-cv-02765-LSC |
|                         | ) |                            |
| LIMESTONE REDBAY, INC., | ) |                            |
|                         | ) |                            |
| Defendant               | ) |                            |

**MEMORANDUM OPINION**

On June 30, 2017, the magistrate judge entered a report and recommendation and therein allowed the parties fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. No party has filed objections to the magistrate judge's report and recommendation.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge that the court grant the motion to dismiss counterclaims and the motion for summary judgment filed by plaintiff and dismiss this action with prejudice.

The court will enter a separate order in conformity with this Memorandum Opinion.

**DONE AND ORDERED** on AUGUST 9, 2017.



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L. SCOTT COOGLER  
UNITED STATES DISTRICT JUDGE  
160704